

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
AMENDED INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-publication of Notice Statement)

Add Section 708  
Title 14, California Code of Regulations  
Re: Big Game License Tag, Application, Distribution and Reporting Procedures

I. Date of Statement: January 14, 2002

Date of Amended Initial Statement: February 22, 2002

II. Dates and Locations of Scheduled Hearings:

- (a) Notice Hearing:           Date:     February 9, 2002  
                                  Location: Sacramento, California
- (b) Discussion Hearing:    Date:     March 8, 2002  
                                  Location: San Diego, California
- (c) Discussion Hearing:    Date:     April 5, 2002  
                                  Location: Long Beach, California
- (d) Adoption Hearing:     Date:     April 25, 2002  
                                  Location: Sacramento, California

III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Existing regulations in sections 362, 363, 364, 367, 368, 370, 371, 372 and 373 specify tag application and distribution procedures, including qualifying conditions and the return of license tags for deer, bighorn sheep, pronghorn antelope, elk, bear and wild pigs. The proposed change establishes a new Section 708, by moving the tag application and distribution procedures for all big game to that new section. This change will facilitate future changes to the tag application and distribution procedures that may be recommended as a result of implementing the automated license data system (ALDS). Because hunting regulations are modified only in even years, this proposed change will make implementing ALDS possible during any year as the new Section 708 is

not within the hunting regulation sections of Title 14, CCR and not subjected to the even year restriction.

Existing regulations provide for the distribution of remaining C and D Zone, and additional hunt tags with a second deer tag application on the first business day after September 1 within the old Section 371 (now incorporated into the new Section 708(a)). The original intent of this deadline was to provide ample opportunity for unsuccessful draw applicants to acquire tags. However, many C and D zone archery seasons occur prior to the availability of these tags, unnecessarily restricting opportunity for archery hunters. The proposed change would move this date to the first business day following August 1, allowing ample time to acquire tags by unsuccessful draw applicants, and for the distribution of tags prior to the start of archery seasons in those C and D zones.

Existing regulations do not specifically address Fish and Game Code Sections that pertain to requirements for: tagging (FGC 4336); tag validation/countersigning and transportation for the purpose of, (FGC 4341); deer head retention and production upon demand (FGC 4302); and deer violations and tag forfeiture (FGC 4340). These laws are not readily available to the general public, specifically hunters. In an effort to provide better public service, by making these laws readily available to hunters, the proposal incorporates all, or portions of these code sections into regulation.

Additionally, the existing regulations do not specify any means of providing a preference system for applicants that are unsuccessful in the drawing for premium deer tags, bighorn sheep tags, pronghorn antelope tags or elk tags. Consequently there is no mechanism to give credit to unsuccessful applicants. The amended proposal specifies that these unsuccessful hunters will be awarded a point that will be for future tag drawings employing a preference system.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 203, 213, 215, 219, 220, 331, 332, 1050, 1572, 4302, 4336, 4340, 4341 and 10502, Fish and Game Code.

Reference: Sections 200-203.1, 206, 207, 211-222, 331, 332, 713, 1050, 1570-1572, 3950, 3951, 4302, 4330-4333, 4336, 4340, 4341, 4652-4655, 4657, 4750-4756, 4902, 10500, 10502, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change:  
None.

(d) Identification of Reports or Documents Supporting Regulation Change:

Draft Environmental Document Regarding Deer Hunting.  
Draft Environmental Document Regarding Bighorn Sheep Hunting  
Draft Environmental Document Regarding Pronghorn Antelope Hunting  
Draft Environmental Document Regarding Elk Hunting  
Draft Environmental Document Regarding Bear Hunting  
Draft Environmental Document Regarding Wild Pig Hunting

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

In 2000, the Department held a total of twenty-three (23) "Deer Stakeholder" meetings throughout the state. The meetings were open to the public, and the Department provided information on a variety of deer management strategies and issues including: Deer Assessment Unit (zone complex) planning and tag draw method alternatives. Attendees were asked to participate in a survey and public comment was also received. The dates and locations of the meeting were as follows:

July 24, 2000 - Chico  
July 25, 2000 - Modesto  
July 26, 2000 - Fresno  
July 27, 2000 - Bakersfield  
August 9, 2000 - Folsom  
August 10, 2000 - Truckee  
August 22, 2000 - Bishop  
August 23, 2000 - Long Beach  
August 24, 2000 - El Cajon  
September 12, 2000 - Santa Barbara  
September 28, 2000 - Salinas  
October 17, 2000 - Eureka  
October 18, 2000 - Red Bluff  
October 19, 2000 - Susanville  
October 20, 2000 - Redding  
October 23, 2000 - Alturas  
November 1, 2000 - Rohnert Park  
November 14, 2000 - Yreka  
November 16, 2000 - Merced  
November 21, 2000 - Arroyo Grande  
December 7, 2000 - Livermore  
December 11, 2000 - El Centro

December 14, 2000 - Redlands

In addition, the Department conducted four public meetings in which regulation change concepts and specific proposals for mammals and furbearers, including deer were presented and discussed, and additional public comment was received. The dates and locations of these meetings were as follows:

November 7, 2001 in Fresno  
November 13, 2001 in San Diego  
November 29, 2001 in Monterey  
December 13, 2001 in Sacramento

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternative to the proposed change is identified, as no reasonable alternative exists to the proposed change.

(b) No Change Alternative:

This alternative would continue to restrict changes to the tag application procedures to even years only. This alternative is rejected because it would not allow for implementing ALDS during odd or even years.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

The statement described pursuant to Section 11346.14(b), Government Code, may be modified by information received at public meetings scheduled for March 8, 2002, in San Diego, California, and April 5, 2002, in Long Beach, California.

V. Mitigation Measures Required by Regulatory Action:

Attached are copies of:

Draft Environmental Document Regarding Deer Hunting.

Draft Environmental Document Regarding Bighorn Sheep Hunting  
Draft Environmental Document Regarding Pronghorn Antelope Hunting  
Draft Environmental Document Regarding Elk Hunting  
Draft Environmental Document Regarding Bear Hunting  
Draft Environmental Document Regarding Wild Pig Hunting

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in other States: The agency is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on Private Persons: The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Other Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

## UPDATED INFORMATIVE DIGEST (Plain English Overview)

The proposed change establishes a new Section 708, by moving the tag application and distribution procedures for all big game into that new section. This change will facilitate future changes to the tag application and distribution procedures that may be recommended as a result of implementing the automated license data system (ALDS).

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